

# LAST NIGHT'S SCORES:

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Complete Area News

# THE HERALD-PRESS

Weather:

Windy-Warmer

FINAL EDITION - 24 PAGES - 2 SECTIONS

ST. JOSEPH, MICH. SATURDAY, JANUARY 8, 1972

15c

## Police Crack Pierre Heist!

### Five Held In Million-Plus New York Hotel Robbery

NEW YORK (AP) — With five men under arrest and \$250,000 in stolen jewels recovered, police and FBI agents say they have solved one of the biggest and slickest hotel robberies ever.

They cracked the week-old case of the multimillion-dollar Hotel Pierre robbery Friday when 30 detectives and federal agents raided a room at another

Midtown hotel and seized two men allegedly engaged in selling some of the gems.

Later, after officers had nabbed a man who had left the room before the raid and a fourth man at another Midtown hotel, Deputy Police Commissioner Robert Daley declared, "The Pierre robbery is solved."

Early today, a fifth suspect was picked up at his home in the Bronx and police said at least one other suspect was being sought.

The Pierre, on 61st Street and Fifth Avenue, overlooks Central Park and is occasional home to the affluent and famous. President Nixon had his headquarters there between the 1968 election and his inauguration.

The four men arrested Friday were charged with criminal possession of stolen property and the fifth suspect was charged with robbery. Police declined to specify what role they might have had in the robbery but said more serious charges might be filed.

Fourteen pairs of handcuffs police said had been used to immobilize hotel employees and guests during the robbery about 4 a.m. last Sunday also were seized. A car linked to one of the arrested men through a parking stub was impounded for search. Authorities said each of the suspects had a previous arrest record and Police Commissioner Patrick V. Murphy said there was a "strong possibility" that organized crime had a hand in the caper.

Meanwhile, Murphy said, "the investigation is continuing and we anticipate more arrests and the recovery of more jewelry."

The robbery, which police called a smoothly professional job, was carried out by four well-dressed gunmen who arrived by limousine and took over the swank hotel for about 85 minutes.

At least \$1.2 million in cash, jewelry and other valuables have been reported stolen from safety deposit boxes pillaged by the robbery gang. But many victims, now wintering in such resorts as Palm Beach and the Riviera, have yet to learn their

(See back page, sec. 1, col. 1)



**ALLEGED HOTEL LOOT:** Policeman stands guard over jewelry and handcuffs at a news conference in New York Friday night. Police said the jewelry was recovered from four men arrested in connection with the robbery last Sunday in New York's Hotel Pierre. The handcuffs, police said, were used to immobilize the Pierre Hotel staff during the holdup. About \$250,000 worth of jewelry was recovered according to police. (AP Wirephoto)



**BARGES EXPLODE:** Fumes, smoke and water rise from the Ohio River at Belpre, Ohio, Friday afternoon as two empty gasoline

barges explode. Two bridges are closed, 200 businesses and homes are minus their windows and two men are missing. (AP Wirephoto)

## Two Missing In Explosion Of Barges

### Bridges Damaged, Debris Falls In Two Towns

BELPRE, Ohio (AP) — Two men are missing and presumed dead, two bridges are damaged and two cities are strewn with debris along the Ohio River as a result of a massive explosion of two barges.

Hundreds of windows in at least 200 buildings in Belpre and Parkersburg, W. Va., were smashed as two barges exploded beneath a railway trestle shortly after 3 p.m. Friday.

West Virginia assistant fire marshal E. L. Roush says one possible cause of the blast was an electric motor aboard the two huge barges which was draining them of a few, final gallons of gasoline.

Beyond that, no one seems to have any other idea of what caused the blast that could be

felt 19 miles upriver.

The explosion occurred as the two 300-foot barges were being pushed by a towboat beneath a Baltimore & Ohio Railroad bridge which connects Belpre, a town of 5,000, and Parkersburg, a city of 45,000.

"I heard an explosion, looked and all I could see was smoke, fire and what looked like bodies," a railroad guard said.

Two explosions, a little more than 10 seconds apart, buckled the railroad trestle, sending chunks of steel sailing through it, and a large piece of one of the barges landed atop a highway bridge 100 yards away. Both bridges were closed.

Flames engulfed a section of the railway bridge about 150



**CAPT. ROBERT VESEY**  
District commander

## South Haven Police Post Will Remain

### No Plans To Move Unit, District Chief Says

By STEVE McQUOWN  
Paw Paw Bureau

PAW PAW — There are no plans to move the staff police post out of South Haven, State Police Capt. Robert Vesey said Friday.

Vesey, who is commander of the fifth state police district, which includes the South Haven post, said any plan to remove the post has never been formally submitted to him.

"The only projected plan I have is for more personnel at the South Haven post," Vesey said.

Vesey was asked to comment on remarks made Wednesday night at a South Haven township meeting by Lt. Glenn Foster, commander of the South Haven post.

Foster was quoted as saying that he had recommended to superiors in Lansing that consideration be given to relocating the South Haven post and its 29 officers.

Foster yesterday told a South Haven reporter for this newspaper that his recommendation for relocation of



**LT. GLENN FOSTER**  
Post commander

the post farther north had been denied at state police headquarters. Foster said he received notice of the refusal yesterday.

The lieutenant's remarks at the township meeting came during the final planning stages for a joint township-sheriff's department, a m b u lance and patrol force scheduled to begin about Feb. 1.

Foster termed the presence of such an additional force along with the state police as a duplication, saying state police might better be used farther north in the Saugatuck-Holland area.

Capt. Vesey said Friday that the "views he (Foster) presented were his own. I cannot support him in this theory."

Foster appeared at the Wednesday night township



**ROBBERY SUSPECTS BOOKED:** Four suspects in the multimillion-dollar Hotel Pierre robbery are booked early Saturday at New York City Police station on East 67th Street in Manhattan. The four, charged with criminal possession of stolen property, are:

Benjamin Fradkin (holding checked hat at left), Dominick Paulino (next to Fradkin), Bert Stern (hand to forehead) and Robert Comfort (at right in checked coat). (AP Wirephoto)

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Vince's Club 33 reopening Mon. fine food — (The What Four) Fri. & Sat.

yards from the Ohio shore.

Missing and presumed dead are Jack Stephenson, 49, and his son Charles, 17, both of Silver Creek, Miss. They were the only ones of the nine-member crew who were aboard. The boats were licensed by Martin Oil Co., of Blue Island, Ill. Nine other persons were injured, none seriously.

National Guardsmen patrolled Parkersburg's glass-strewn streets Friday night as a curfew remained in effect from 9 p.m. until dawn today.

The barges had been loaded Dec. 20 at Port Arthur, Tex., and deposited virtually all of their fuel Thursday at an Atlantic Richfield Oil Co. plant in Steubenville, Ohio.

West Virginia highway officials believe the 56-year-old road bridge suffered only slight damage, and could soon be reopened to traffic.

The B&O bridge, built during the Civil War, has holes in its floor, a beam is bent and it appears to be buckled in spots.

Engineers were to begin today examining both.

The U.S. Coast Guard, from its Huntington district office, will begin a full-scale investigation Monday, district commander Bobby Burns said.

THE HERALD-PRESS

Editorial Page

W. J. Banyon, Editor and Publisher  
Bert Lidenfeld, Managing Editor

School Sports Are An Asset That Merits Close Attention

In Editor's Mailbag on this page, a pair of readers take this newspaper to task today for publishing an article last week concerning a Lake Michigan College basketball player who has been charged with breaking and entering.

"There is no social, moral or meaningful journalistic value in your highlighted placement on page one . . .," writes one of them — Michael H. Stone of St. Joseph. He concludes that "the motivation . . . must have been . . . selling a few more issues."

The article that drew objections reported that Robert D. Demler, 18, 1886 North Teakwood, Stevensville, was arraigned in district court on a charge of breaking and entering. Demler had been arrested earlier in connection with the disappearance of \$700 to \$1,000 in coins from a house. He was released on \$300 bond and then started at forward that evening on the Lake Michigan College basketball team. The article also noted that "Demler was bounced last season from the Lakeshore high school basketball team for disciplinary reasons. He then turned up at Eau Claire high school where he starred for more than half the season."

The six-foot, five-and-a-half Demler had been sitting out a suspension from the Lakeshore basketball squad for breaking training rules — his second such suspension in two years — when he showed up after last year's Christmas break as a starter on the Eau Claire team. Eau Claire Coach Jon Frye explained publicly then that the Demler family had moved from Lakeshore into a rented home at Eau Claire, that the Demler lad was legally eligible, and that he (Frye) saw nothing untoward in playing him since "he hasn't done anything to me, or broken any of my rules."

Before Demler joined Coach Frye's

squad at Eau Claire, the Beavers had won three games and lost four. After he showed up in a Beaver uniform, the team won eleven games, including the district Class C championship, and lost only three, the last being the first game of the regional tournament. Demler averaged 18.9 points per game.

No one has ever protested this newspaper's chronicling of young Demler's basketball heroics — not reader Stone nor any of the coaches or fans at Eau Claire or Lake Michigan College. Objective news reporting cuts both ways; unhappy incidents merit publication, as well as the good.

This week young Demler — who, once again lists his residence within the Lakeshore school district — returned to district court and pleaded nolo contendere (no contest) to entering without breaking, a lesser offense included in the more serious charge of breaking and entering. He is now waiting sentence.

It is fair to speculate whether Demler would be in court at all if the disciplinary measure handed him at Lakeshore last year had been continued when he moved to Eau Claire. Firm discipline has been known to keep many youngsters from making later mistakes.

The conduct of a school's athletes — rightly or wrongly — often determine that school's reputation. The athletes usually, too, are natural leaders who set a pattern of behavior within the school itself.

It is unfortunate one so young as Demler got caught in the middle in a situation that bears airing. But it is important for the public to know all the facts about an institution, amateur athletics, that should be protected as the great asset to education which it is.

The Looking Ahead Business

"The future is now," says Washington Redskins coach George Allen. Indeed it is, and not only in professional football. Although man lives in the present, he is impatient to know what tomorrow will bring. A whole new discipline, called futurism or futurology, has arisen to satisfy this yearning.

As science fiction writer Jack Williamson recently pointed out in Saturday Review, "A staff of futurologists is now as essential to any large military or governmental or commercial establishment as a coterie of soothsayers used to be to a barbarian emperor." In addition, there exists an Institute of the Future, which produces forecasts under contract; The World Future Society, devoted to the study of alternative futures; and the Commission on the Year 2000 of the American Academy of Arts and Sciences.

The futurologist believes that, "to a large extent, the future will be what man chooses to make it." Walter Laqueur, director of the Institute of Contemporary History in London, adds this caveat: "As every futurologist knows from bitter experience, one little error, one miscalculation, one unexpected event is sufficient to undermine a whole tower of predictions, however ingeniously constructed and seemingly foolproof."

Futurology appears to be a byproduct of industrialization and technology. In the mid-19th century, Jules Verne predicted the invention of the submarine and of the spaceship. In Looking Backward (1888), American novelist

Edward Bellamy foresaw the development of radio, motion pictures, and television. A few years later, H. G. Wells began to produce his long series of writings on the shape of things to come.

Wells's last published work, Mind at the End of Its Tether (1945), expressed the bleakest pessimism about mankind's prospects. Novelists who have ventured into the future since Wells likewise have taken a gloomy view. George Orwell foresaw a world of tyranny and perpetual war in 1984. Anthony Burgess's A Clockwork Orange (now a movie) depicts a near future terrorized by pathological teenage toughs.

The task of the professional futurologist is not to predict the course of history but to identify developments, good and bad, that are possible in years to come. Currently anticipated developments include cities built in the oceans, man like robots, indefinite lengthening of human life, and parents' being able to choose the sex or even the personality of their children.

Inevitably, the futurology movement has attracted some criticism. In a book, Think Tanks, Paul Dickson asserted that futurologists "will continue to gain power over policy, action, and all our lives," and that ordinary citizens therefore should be vigilant. "Just as with urban problem solving, military analysis, and other think tank concerns, the promises and pitfalls of futurism offer compelling reasons for us to intrude to find out what is happening, after all, it is our future that they are shaping."

Furthermore, Alvin Toffler pointed out in Future Shock that the accelerating pace of change can produce "shattering stress and disorientation." Perhaps, then, futurologists should strive to control the rate of change as well as its direction. Whether they will be able to do either is a question that only the future can answer.

Male elephant seals may attain a weight of four tons and a length of 20 feet, making them the world's largest seals, National Geographic says.

The United States Geological Survey puts the approximate geographic center of the Nation, the spot where all 50 states would be equally balanced, near Castle Rock, South Dakota.

Mind If I Join Ya, Pardners?



GLANCING BACKWARDS

- MERCURY DIPS TO 10, 12 BELOW HERE**  
1 Year Ago  
Sub-zero temperatures hit southwestern Michigan for the second time this winter during the night, making Berrien county the coldest area in the state.
- A slight warming trend was forecast today and Saturday.**  
Temperatures tonight are expected to range from 10 to 15 degrees and this afternoon should find the mercury in the mid-20's. Snow flurries can be expected off and on throughout the weekend.
- INDUSTRIAL DEVELOPMENT TRENDS ON UPWARD**  
10 Years Ago  
Increased industrial development in Michigan during 1962 was predicted today by Don C. Weeks, director of the State Economic Development Department.
- Favorable trends evident last year are expected to**
- continue,** Weeks said in a report on industrial activity in the state.
- WEDGE DRIVEN IN NAZI LINES**  
30 Years Ago  
The Red army was reported reliably tonight to have poured powerful reserves of newly-trained troops into its westward drive south of Moscow which already has shoved the Germans half way back to Smolensk from the high mark of the Nazi invasion.
- A Red army wedge which was officially stated to have driven deep into the southern flank of the German spearhead at Moshaisk appeared today to imperil that Nazi position 57 miles west of Moscow.**
- FIRST SHOW**  
40 Years Ago  
The first annual rabbit show of the Southwestern Michigan Rabbit Breeders association will be held at Niles, Jan. 21 to 24, according to officials of the organization, which was formed only last summer.
- LECTURE**  
50 Years Ago  
About 150 members of the St. Joseph Michigan Fruit Association assembled at a special meeting in the Stevensville hall to hear A. A. Rule of New York, of the American Fruit Exchange, in an address on the benefits of cooperative marketing. The lecture was illustrated with stereopticon views.
- ACCEPTS POSITION**  
60 Years Ago  
A. L. Spöner has resigned as linotype operator at A. B. Mopse's and taken the formanship of the printing office for Bradford & Company.
- MORE BOATS**  
80 Years Ago  
Drake and Wallace are building 25 rowboats to add to their fleet of boats and will also build a yacht or two.

EDITOR'S MAILBAG

Editor,  
The Herald-Press:  
FEARS FALSE CONCLUSIONS

THE Herald-Press is notoriously known for blowing things out of proportion. What was the reason for putting the incident concerning "Lake Michigan College basketball player Bob Demler" on the front page with bold face print? People who know no other facts than what you printed about the previous incident with Bob Demler at Lake Shore and at Eau Claire high school, have already drawn false conclusions.

The Herald-Press could be responsible for giving readers a false impression of Lake Michigan college itself and its basketball team, also creating an uneasy situation for Eau Claire with your phrase "turned up at Eau Claire." But most important the wrong impression is given about Bob Demler. This recent incident had nothing to do with him playing basketball at L.M.C., Lakeshore or Eau Claire. The twin cities would have a better newspaper if the Herald-Press would keep its news in proper perspective.

DEBBY FLOOD  
Benton Harbor

Editor,  
The Herald-Press:  
COPY PLACEMENT IS QUESTIONED

On more than one occasion I have found copy placement in "The Herald-Press" to be tasteless if not totally noxious. The December 30, 1971, issue of this publication reached such depths of journalistic impoverishment that I can no longer restrain from this personal expression of disappointment.

There is no social, moral, or meaningful journalistic value in your highlighted placement

Ray Cromley

World Lets Seeds Of War Germinate

PHILADELPHIA (NEA) — The tragedy of the war in Northern Ireland is that the seeds of war have been there for 60 years, but next to nothing was done while there was time.

Just as nothing, or virtually nothing, was done in the decades given us all to work on the deep problems between West and East Pakistan, between Pakistan and India and between the Israeli, the Arab lands and the displaced Palestinians, until war erupted.

The Vietnam war did not appear overnight.

There are the "it might have beens" which stand out when one runs through a dozen new research reports on the origins of today's wars prepared by scholars at 11 colleges and universities.

What we all do — the United States and almost all other countries with the technical capabilities — is wait until war comes, emotions are high and the policies of the warring groups have become rigid. Then someone steps in, often at very high cost in money, in dissension and lives.

This reporter has just run through four scholarly papers on Northern Ireland. Not one thought the British troops could succeed in their occupation. But all outlined solutions which could have been applied, probably with a very great chance for success at almost any time over the past several decades.

Studies on the Middle East which go back to the founding

of Israel note that reports were made more than 20 years ago pinpointing clearly the frictions which have been root causes of Israeli-Arab wars.

Studies on Southeast Asia made quite clear, even as World War II was ending, the political instability endemic in that region whether the French returned or whether they abandoned the area. But the belief persisted that if the French could just be gotten out, somehow stability would develop out of the chaos.

Scholars, in the long years since the partition of the Indian subcontinent and the creation of Pakistan, have dwelt on the racial problems of East Bengal and West Pakistan and the Hindu-Muslim conflicts which plague the whole of central South Asia. These problems were allowed to fester. Then there was war. Despite the creation of Bangla Desh, the festering will continue, in India, in West Pakistan and in Bangla Desh. Continuing guerrilla underground war, on again and off again, is almost a certainty.

The research that has been done on these problems gives the lie to the argument that nothing could have been done — or that nothing can be done in other trouble spots that have not yet erupted in war.

Certainly there are some very real limitations on what can be done by outside countries and outside official organizations dealing with sovereign governments. But there are actions that can be taken.

Jeffrey Hart

Soviets Present Serious Threat

President Nixon, Time's man of the year and at the moment certainly an odds-on favorite for re-election, has announced in his Christmas message that we must now "seize the moment" to build a permanent peace in the world. This peace, he says, will rest on an "even balance" of power among the mightiest nations of the world.

This is a noble vision. In the abstract, it is even intellectually sound. Nevertheless, to achieve any sort of "balance" there must be a rough equality of power among those mighty nations. At present, however, all serious analysts see the strategic power of the Soviet Union as very rapidly expanding while that of the United States is dangerously contracting.

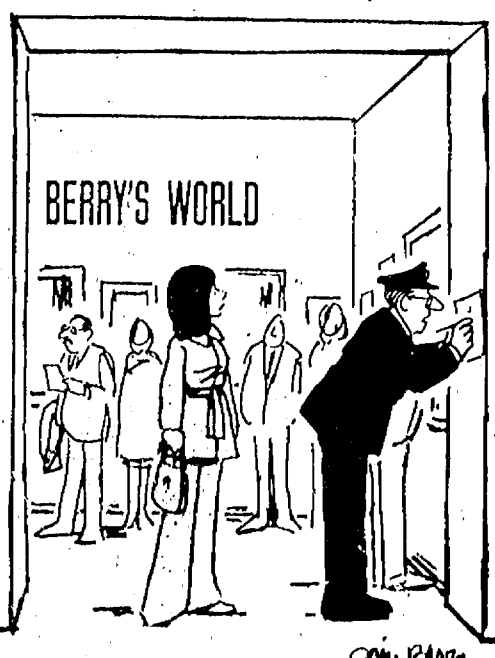
Senator Barry Goldwater does not have the reputation of being a thoughtful analyst of foreign and domestic problems. He has a gift for hyperbole, and he has in the past "shot from the hip." But early in December he delivered a speech on the Senate floor of the highest professional and analytical quality. It is a speech of historic importance, and it was no jingoistic or even partisan utterance.

The Senator's subject was the startling buildup of Soviet naval strength in the context of approximate nuclear parity. Given a nuclear standoff, he noted, strategic thinkers have become alarmed at "the vast and all too often unrecognized importance of growing Soviet naval strength in the Straits which control the waterways of the world." He pointed to the "enormous buildup of Russian ships in the Mediterranean Sea, in the Indian Ocean, in the North Sea and elsewhere . . . Their base developments have been recorded in Alexandria and Mersa Matruh in Egypt; in Port Sudan; and in Berbera, Somalia. Overtures also have been made to India, Ceylon and Singapore . . . Meanwhile the Russian naval forces are using anchorage facilities in the vicinity of Socatra, Seychelles, Maldives, and Mauritius Islands. Indeed, if the Soviets succeed in acquiring the bases they now seek they will soon stand astride the strategic oil supply lines of Europe and Japan."

Strategically speaking, America is an island dependent upon sea communications with its allies, client states, markets and sources of raw material. Since nuclear parity dictates that future confrontations are likely to be of a conventional sort, the strategic control of the seas becomes a matter of paramount concern.

"Any time we decide to deploy forces overseas," said Goldwater, "we must be able to control the sea lines of communication. And there is no longer an easy assumption that this can be done. Since we no longer possess nuclear superiority, Soviet naval expansion actually threatens to negate our sole remaining capabilities to support our alliances and protect our economy."

GRANTED IMMUNITY  
BOSTON (AP) — The 1st U.S. Circuit Court of Appeals says legislative immunity prevents a federal grand jury from questioning anyone about Sen. Mike Gravel's part in the Pentagon papers case.



"I know there are more than 17 people in here, lady—I'm counting paintings!"

THE HERALD-PRESS

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# THE HERALD-PRESS

Area  
Highlights

ST. JOSEPH, MICH. SATURDAY, JANUARY 8, 1972

## New Buffalo Battle Nearing Climax

### Monday Vote Asks Recall Of Four Councilmen

By LYLE SUMERIX  
South Berrien Bureau  
NEW BUFFALO — A running battle between New Buffalo city officials and the Citizens Improvement Committee (CIC) will climax Monday in a special recall election.

CIC is seeking recall of four

councilmen. It alleges mismanagement, favoritism and violation of city charter and state law in connection with extension of a water main to a manufacturing plant.

Targets of the recall are Mayor Alan Baines, who is also a councilman, and Councilmen Irving Jensen, Albert

Mayer and William Leathers. This will mark the second recall election in southwest Michigan within the past year. Dowagiac voters ousted four of six elected officials Jan. 25, 1971, in the first recall election in memory for this general area.

Polls, located at city hall,

will be open from 7 a.m. to 8 p.m. If the recall is successful, Gov. William Milliken will appoint four councilmen to serve until the regular election March 13. If two or more of the four are retained by voters, the council will fill any vacancies by appointment.

Terms of Jensen and Mayer expire in March. Baines and Leathers each have one year remaining of their three-year terms.

The lone councilman not subject to the recall is Alvin Schroeter, who was elected to a three-year term last March. Although not an elected official, another key figure in the battle is City Attorney Stephen T. Roumell. The CIC charges Roumell with conflict of interest in the annexation of property owned by Berry Metal company and the extension of a water line to it, claiming that he represented both the city and the owners of the annexed property. They also claim a similar conflict in annexation of Chesapeake and Ohio Railroad property.

In a statement to this newspaper, Roumell said he has never represented either firm in any capacity. In October, he demanded that CIC officers apologize and threatened them with lawsuits on grounds of possible slander or libel. The CIC refused, but Roumell said he has not filed any suits, preferring to "wait until after the election."

Harold Stick, CIC president, in a written statement, said of the recall election "The people of New Buffalo, through the CIC, are fighting for the rights as citizens — the right to govern themselves according to law."

The CIC alleges that the city

violated the city charter and state law in financing a water main extension to Berry Metal company. The city borrowed \$53,280 from the firm to carry out the installation, prior to state approval, and is now planning to sell \$75,000 in revenue bonds to carry out the financing.

CIC also has filed petitions to place sale of revenue bonds on a referendum ballot.

Included in alleged mismanagement charges by CIC are questions involving the use of street funds, sea walls to protect the city's water pump, tax favoritism and tax under-assessment, and funds expended for mayor's exchange day "parties."

City officials have denied any wrongdoing. In a written statement released by Mayor Baines, they say: "The CIC implies doing something constructive for the community, but let's check the record of the CIC and its motivations."

They contend that the CIC has cost taxpayers money, unnecessarily, in an attempt to remove Mayer when he was mayor, in causing a referendum vote on the \$9 million condominium project and in the forcing of a special recall election two months prior to the regular March 13 election.

"We are sure they (CIC) haven't fooled the majority of voters," said the four councilmen.

Baines, 56, is in his first year as mayor. A sales engineer with Conrad company of LaPorte, Ind., he is in his fourth year on the council.

Jensen, 55, is a dozer operator with Oselka Construction company of Union Pier. He is in his fifth year on the council and previously was a member of New Buffalo township board 12 years.

Leathers, 65, is mayor pro-tem. A retiree of Clark Equipment company, Buchanan, he is in his fifth year on the council.

Mayer has been on the council nine years and served four different one-year terms as mayor. He is 63-years-of-age and owner of a party store in Union Pier.



ALAN BAINES



IRVING JENSEN



WILLIAM LEATHERS



ALBERT MAYER

### Coloma May Cut Force

#### City Facing

#### Money Problems

COLOMA — This city's police committee will recommend Monday night that one of Coloma's four police officers be laid off work for at least four months as a move to resolve the city's financial problems.

Coloma Mayor Glenn Randall confirmed late Friday that such action was being considered in order to save between \$2,400 and \$2,600 during the next four months.

If the entire commission approves the police committee recommendation, the remaining city police force will operate 120 hours per week, thus leaving 48 hours of the week without full patrol.

City officials learned of their financial problems last month. Problems center around higher than anticipated expenditures in paving Paw Paw street, installing a new lift station in Coloma Heights, and completion of the city's new garage.

Another factor blamed for the city's money problems is \$9,028 in delinquent 1971 summer taxes.

City officials had anticipated applying for a federal grant to aid them in maintaining the four-man force. However, there application was past the deadline set for consideration.

Although the city commission has not officially approved the police committee's recommendation, Coloma Sgt. Robert Wohler has already left the department.

Wohler, the only school-trained officer on the force, joined the Coloma department 11 months ago. He formerly was a patrolman with Benton Harbor for three years.

#### Postal Clerks

#### Convention

#### Won't Be Here

The Michigan Postal Clerks union convention will not be held next May at Benton Harbor Holiday Inn as reported Thursday in this newspaper. The error resulted from a news release being transmitted on an old letterhead announcing a convention that was held here several years ago. The 1972 convention will be at Dearborn.

#### Funds Released

WASHINGTON (AP) — The Agriculture Department announced Friday Michigan will receive \$1.2 million as its part of a \$55.5-million increase in 1972 funds for the Rural Environmental Assistance Program (REAP).

## K Of C Names Paul Garlanger 'Knight Of Year'

Paul A. Garlanger, 2821 Willa drive, St. Joseph, has been selected "Knight of the Year" for Knights of Columbus council 1120, Benton Harbor. Garlanger has held every office in the council and was grand knight in 1969.

A K of C member, 37 years, Garlanger holds the distinction of also being grand knight of the St. Joseph council while he was a member there in the 1940s. The St. Joseph council merged with Benton Harbor in 1970.

Garlanger will be honored Sunday, Jan. 23, at the Knight of the Year banquet at 6 p.m. in Blossomland Columbian hall, Fairplain Plaza.

A St. Joseph high school graduate of 1928, Garlanger attended Notre Dame. He and his wife are the parents of a son, Paul, Jr., and a daughter, Mrs. Frank (Beverly) Paukowitz.

Garlanger, 63, is a senior engineer at Indiana & Michigan Electric Co.



PAUL GARLANGER

## Benton Man Gets New Trial

A Benton township man convicted in October on a charge of possessing heroin had his conviction and 2½ to 10-year sentence overturned Friday in Berrien circuit court.

Judge Julian Hughes granted a motion by Benton Harbor Atty. John Dewane, court-appointed appellate counsel, to order a new trial for Arthur Lee Doalittle, 23, of 158 Concord.

The judge granted the motion on grounds the prosecution failed to show in trial that Doalittle was not licensed to possess heroin last June 4 in Benton Harbor. The prosecutor's office was not required, by court of appeals ruling, to produce such evidence, but the appeals court was overruled by the state supreme court after Doalittle's conviction.

Assistant Prosecutor Hugh Black noted.

Doalittle was returned to

jail in lieu of \$10,000 bond, where he faces another charge of sale of heroin last Oct. 27 in Benton township.

#### Dr. Hine Opens

#### Dental Office In

#### Colonial Heights

Norman H. Hine, DDS, has announced he has moved his dental office to the Colonial Heights building, 2016 South State street, St. Joseph.

His former office was located at 2936 Niles avenue, St. Joseph. The telephone number remains at 983-6830.

#### Lucy Breaks Leg

ASPEN, Colo. (AP) — Actress Lucille Ball has broken her leg while skiing at nearby Snowmass in Aspen.



FRAMED BY PRODUCT: H. P. "Hy" Firehammer (left), head of Hy Firehammer Tires, Inc., at 408 West Main street, Benton Harbor, this week announced his eldest son, James (center), as new

company president and general manager. Younger son, George, becomes secretary-treasurer. Hy himself moves to chair the company board. (Staff photo)

## After A Lot Of Mileage Hy Firehammer Eases Up

It was a sunny midsummer day in 1935 when H.P. "Hy" Firehammer sold his first tire, a 4.50 X 21-inch tube-type, for \$8 and no tax to Riverside dewberry farmer Charles Gage for a 1928 Chevrolet pickup truck.

Firehammer was fresh on the job as brand new general manager of Benson Tire Service, next to the downtown Benton Harbor fruit market, for tire sales owner John M. Benson, a successful fruit broker and farm owner.

The business Firehammer began managing had four employees selling tires and peddling gas and oil, and turned about \$100,000 a year in business.

Years later, Firehammer

started his own business and now with sales topping \$1 million annually and 37 employees, he has turned over top managerial posts in Hy Firehammer Tires, Inc., to sons George, 27, and James, 33, both in the business since they were tall enough to roll a tire. The firm is located at 408 West Main street, Benton Harbor.

Firehammer, now 61, will continue as chairman of the board and remain active in company affairs by lending fleet tire sales in southwestern Michigan.

James, formerly assistant manager, becomes president and general manager in place of his father. George, formerly credit manager, becomes

secretary-treasurer.

The senior Firehammer got his start in tires in a roundabout way. After completing high school in Benton Harbor in 1928, Firehammer worked several jobs including a private bookkeeping business, then hired on in general duties for Benson on July 4, 1933, at \$10 a week.

A few weeks later, Benson bought Edward Gersonde's General tire sales in St. Joseph, moved the business to the former downtown Benton Harbor fruit market and named it Benson Tire Service.

He made Firehammer general manager there in 1935 at \$25 a week plus commission, Firehammer recalls.

"He was a gambler and loved deals," Firehammer says of Benson, with whom he worked so closely for years that some thought them father and son.

Benson started Firehammer off on his new job with advice and counsel, made an outright gift of half the company to Firehammer in 1937 as a reward for a job well done and a spur to greater accomplishments, and then left Firehammer to manage the whole tire show without interference while the two split the profits.

Firehammer struck off on his own in 1958 by buying the vacant Producers Creamery building at 408 West Main street, and starting Hy Firehammer Tires, Inc., a General Tire dealership.

Although the senior Firehammer's business mentor, Mr. Benson, and first customer, Mr. Gage, have been dead many years, Firehammer's links with original customers

have continued down through the decades with people like Leo Litowich, veteran fruit market buyer, Mrs. Martin (Marjorie) Knuth, Mr. Gage's daughter, and others. The Benson Tire company has since gone out of business.

The senior Firehammer and his wife, Florence, live at 1802 Forbes avenue, St. Joseph. Son James and his wife, Judith, and their three sons live at 3063 Bluffwood Terrace East, St. Joseph. Son George and his wife, Patricia, and their son live at 1659 North Teakwood drive, Stevensville.

Hy Firehammer is a member of the board of directors, Michigan district, Lutheran church, Missouri synod.

## Memorial Curtails Visiting

St. Joseph Memorial hospital has joined Benton Harbor Mercy in curtailing visitors to patients because of the prevalence of influenza and other upper respiratory illnesses among the general public.

Robert A. Bradburn, Memorial administrator, said visits to patients should be limited to members of the immediate family of the patient. Anyone with symptoms of influenza or colds should not visit a patient.

The restrictions on visitors are imposed because of numerous cases of influenza in the community and the danger of transmission to patients.

## Newspaper Boy Saves The Life Of Family Pet

Gary Berk, 14, a carrier for this newspaper, has the warm affection of a cool cat and all because he observes what is going on in the neighborhood where he lives.

Gary, son of Mr. and Mrs. Harold Berk of 2134 Brown school road, St. Joseph, was delivering his papers on Garden Lane in Shreveham when Mrs. Anton Poole came out looking for the family cat.

Gary remembered seeing the cat the day before crawl into a culvert. He told Mrs. Poole what he had seen and the two checked the culvert, now blocked by snow at both ends.

When they opened the pipe a cold but happy cat jumped out.

Mr. Poole said had it not been for Gary's observant nature the cat may have died.

# THE HERALD-PRESS

Section  
Two

ST. JOSEPH, MICH. SATURDAY, JANUARY 8, 1972

## Bears, Kolberg 'Surprise' Dutch

By JOHN VANDEN HEED  
Staff Sports Writer

St. Joe's Craig Kolberg was the fly in Holland's ointment Friday night at the Bear gym.

Coach Don Piersma's Dutchmen thought they had their ill cured until Kolberg and the Bears dealt them a 77-74 non-conference setback.

"Kolberg really surprised us," commented Piersma on the 20-point effort by the St. Joe senior. "He's a fine shooter. We had them all figured but Kolberg."

Kolberg hit on nine of 17 field goals while adding considerably to previous average

of 8.0 points per game. His output helped put at least a temporary end to a Holland rally which had produced two consecutive wins after four opening losses. It also ended a two-game St. Joe slide.

But Kolberg's production wasn't unexpected by St. Joe coach George Gaunder. "He was hitting well over the holidays, so it wasn't a fluke," noted the veteran Bear mentor.

Packey Ryan was again St. Joe's high scorer with 23 points, but his shooting eye from the floor was off target in hitting just seven of 25

attempts. He did come through from the free throw line in the crucial fourth quarter with a perfect seven-for-seven.

The other Bear starters — Dennis Kugle, Tom Crossman and Tom Scheffler — also had their standout moments in the thriller which wasn't decided until the final seconds. There was never more than six points between the squads in the tilt where the lead exchanged hands 16 times.

Kugle, credited by Gaunder with "playing his best all-around game," netted 14 points and pulled off 13 re-

bounds. He also meshed the free throws which put the Bears in front for good at 73-72 with 1:01 left to play.

Crossman made sure the victory didn't get away. "Crossman came up with some outstanding rebounds in the last quarter," praised Holland's Piersma. The Bear senior also locked up the victory by netting both ends of a one-and-one free throw situation when St. Joe held a slim one-point lead with nine seconds remaining.

Scheffler came up with four of his eight points in the final frame. He also finished with

12 big rebounds in a department which was decisive in the game's outcome.

St. Joe posted a 36 to 25 rebounding advantage according to respective team charts. This enabled the Bears to get off 12 more shots than Holland, a factor which wiped out the Dutchmen's better shooting marks.

All Holland starters were in double figures as the Dutchmen meshed 27 of 61 field goals (44 per cent) and 20 of 24 free throws (83 per cent). Mike Riksen paced the Holland pointmakers with 23. Steve Shinabarger had 17, Jed

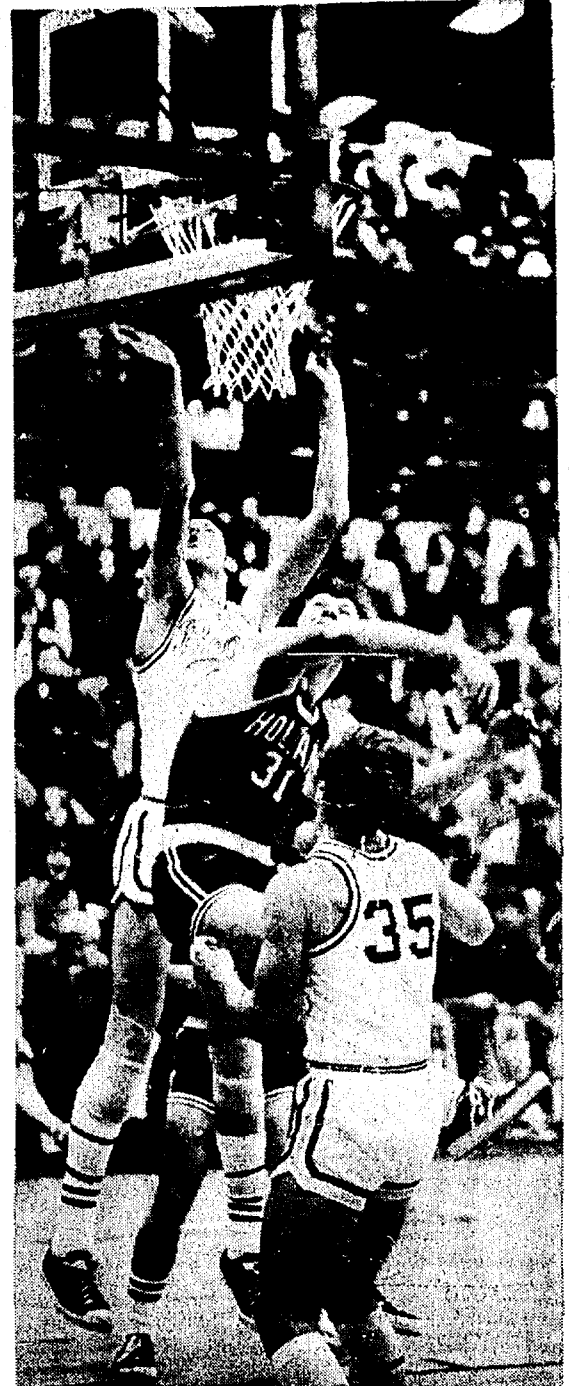
DeBoer 12, Jim Lorence 11 and Dave Brownson 11.

The Bears finished with a 40 per cent mark from the floor (29 of 73) and a 79 per cent average in charities (19 of 24).

The score was tied at 18-18 after the first quarter and St. Joe was clinging to a 37-36 lead at the intermission after a first half where never more than three points separated the teams.

Holland hit 56 per cent of its shots over the first two periods as front line men Riksen and Jim Lorence were combining for 23 points while meshing 11 of 18 shots. One of the biggest things that kept St. Joe in the game at that point was a top-notch floor game which produced just four turnovers. "That was by far our best half of the year as far as ballhandling," declared Gaunder.

St. Joe adjusted its man-to-man defense for the final two periods and dropped back on Riksen and Lorence, a move which saw them combine for just two field goals the second half.



**DETERMINED DUTCHMAN:** Holland's Mike Riksen (31) makes an all-out effort to stop shot by St. Joseph's Tom Scheffler in second half action Friday night in the Bear gym. Watching the battle is St. Joe's Dennis Kugle (35). Riksen finished with 23 points, but St. Joe won the non-conference game 77-74. The Bears' victory upped their overall season's mark to 4-2. St. Joseph's next game is at home Tuesday against Holland Christian. (Staff photo by Harry Smith)

## Tiger '5' Spoils Schaffer Return

By JIM DeLAND  
Sports Editor

Benton Harbor rolled out the red carpet for Al Schaffer, but the Tigers pulled the rug out from under his basketball team Friday night.

"Everything's been just wonderful except the game," the former New Troy high school star said after watching the Tigers defeat his Grand Haven Buccaneers 74-63 in a Lake Michigan Athletic conference contest that marked Schaffer's first coaching appearance in Berrien county.

It was the third straight LMCA victory for Benton Harbor, giving the Tigers sole possession of second place with a 3-1 record. The loss snapped a three-game winning streak for Grand Haven and dropped the Bucs into third place at 2-2.

Center James Jackson and guard Don Childs and John Hunt led the way for Benton Harbor, which grabbed the lead at the end of the second quarter and held it the rest of the way despite a nightmarish total of 29 turnovers.

Jackson scored 17 points and swept off 21 rebounds to give the Tigers a 45-28 margin while Childs and Hunt scored 17 and 16 respectively. Willie Lacy added 10 points in a reserve role.

Grand Haven put four players in double figures with Bruce Albe scoring 21, Chris Bethke 13, Clark Gerrish 12 and Schaffer's son Jeff 10, but the Buccaneers were simply no match for the Tigers around the boards.

"Their offensive rebounding killed us," Schaffer said. "They go to the boards. We were concerned about it before the game, but we couldn't do much about it. I don't know how many times they scored on second or third shots."

The game was considerably closer than the final score would suggest — Benton Harbor scored the last six points of the game — and there were several crucial situations in which the Tigers emerged on top.

Perhaps the real turning point was late in the first quarter when Grand Haven's Bruce Albe was called for a personal foul and a technical foul was called on the Buccaneers bench for protesting too vehemently.

Grand Haven was leading 18-12 at the time, but Anthony Wooden made the foul shot, Don Childs shot the technical and the Tigers got the ball out of bounds, eventually converting it into a jump shot by Wooden that cut the gap to 18-16. Two more free throws by

Childs and a layup by Hunt put the Tigers ahead for the first time in the game, 20-18.

"That was a factor," Schaffer conceded. "They looked up and saw they were only two points down and it made a difference. It hurt us when they hit those shots right at the end of the second and third periods, too."

"We wanted to hold the ball for just one last shot before halftime, but we shot too soon — I think there were 12 seconds left — and they had time to come back and score. We should have been behind by only two points at the half."

Dave Nichols' jump shot with four seconds left gave the Tigers a 40-36 halftime lead while Jackson's long shot at the end of the third quarter made it 55-49 after Grand Haven had cut a nine-point Harbor lead to only four points.

"It's a good thing they didn't get out ahead of us," Benton Harbor coach Earl McKee said of the close-fought contest, which was tied 10 times in the first half.

"I had my fingers crossed all the way. We were lucky to

win one like that. Can you believe it — 28 turnovers. I don't know how we did it. We're just not sharp yet."

The Tigers missed six out-right layups and many other high-percentage shots, but still finished the night with a respectable 46 per cent shooting average on 32 of 70 while Grand Haven hit only 36 per cent on 28 of 77.

The Buccaneers swished 10 of 14 shots in the first quarter while shaking shooters loose against Benton Harbor's man-to-man defense, but they hit only 18 of 63 (.286) the rest of the way after the Tigers switched to a 1-2-2 zone.

The victory gives Benton Harbor an overall 4-2 record to take into next Friday's game against Muskegon, also on the Colfax court. Grand Haven is 4-3 for the season.

Coach Jim Rutler's Tiger Cubs had an even tougher battle in the preliminary game before escaping with a 56-54 victory that preserves their perfect record.

Jettie Rice was high scorer with 16 points while Gary Phillips tallied 15 and Andrew Atterbury 12.

"They were sagging way in and we had to go to our guards," explained Piersma. "That's the first time a team has been able to shut us off that way. That was a good move on George's part."

St. Joe went up by five several times in the third quarter while leading the en-

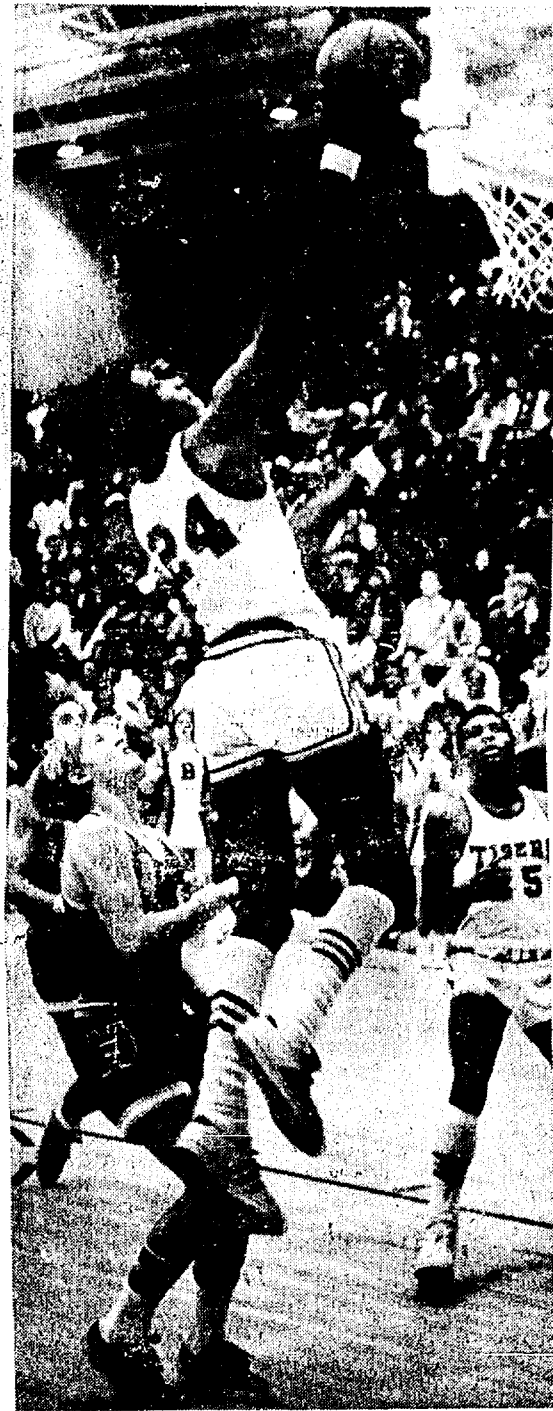
(See BEARS, Page 14)

St. Joe (77)	Holland (74)
G F P	G F P
Kolberg, J. 9 22 44.2	DeBoer, J. 4 12 33.3
Kugle, J. 5 13 38.5	Lorence, J. 5 13 38.5
Schiff, J. 4 12 33.3	Riksen, C. 8 17 47.1
Ryan, J. 7 13 53.8	Shinabarger, S. 6 15 40.0
Crossman, J. 2 3 33.3	Brownson, D. 4 11 36.4
Hack, J. 1 1 50.0	Wood, J. 0 1 0.0
Asselin, J. 0 1 0.0	
Nisbet, J. 0 1 0.0	
Totals 29 19 55.0	Totals 27 20 37.0

SCORE BY QUARTERS

St. Joe	18	15	16	24	73
Holland	18	18	15	23	74

Officials: Cliff Appelget (Benton Harbor) & Fielding Finch (St. Joseph)



**UP AND IN:** Benton Harbor's Don Childs (24) sails past Grand Haven's Jeff Schaffer to score on layup as Lonnie Davis (right) watches during Friday night's game. Childs scored 17 points to help Tigers beat Bucs 74-63. (Staff photo by Pete Mitchell)

## Red-Hot Rangers Burn Brandywine

CASSPOLIS — Red-hot Cassopolis knocked Brandywine out of a share of the Blossomland lead in a big way here Friday night.

The Rangers, shooting 45 per cent from the field, stormed to an easy 85-47 victory over the Bobcats, who had entered the game tied with Lakeshore for first place.

Forward Larry Croom sparked the Ranger victory with 30 points and 18 rebounds. The 6-4 senior, playing only three quarters, hit 12 of 22 shots outcourt and sank six free throws.

Brandywine was hurt when brothers Leonard and Chuck Drake both incurred four fouls in the second quarter and had to play cautiously the remainder of the game. Both fouled out in the final period.

Leonard Drake finished with 14 points and Charles Drake

with nine points, both outputs below their 22 and 15-point-a-game averages, respectively.

Thad Towns added 12 and Bill Hawthorne 10 for the Rangers, who are now 2-1 in Bud play and 3-2 overall.

Cass held a 49-38 rebounding edge over the Bobcats, who are also 2-1 in Blossomland action and 3-3 overall.

Cass plays at Bridgman tonight in a non-league affair.

Cassopolis (85)	Brandywine (47)
G F P	G F P
Croom, L. 12 22 45.5	Grayson, J. 3 13 38.5
Unwood, J. 2 4 50.0	Drake, C. 4 15 26.7
B. Hawthorne, C. 5 12 41.7	C. Drake, C. 3 5 60.0
Vigerman, J. 1 2 25.0	Knapp, J. 2 5 40.0
Keller, J. 2 2 50.0	Priddy, J. 1 3 33.3
Lee, J. 2 5 40.0	Zimmerman, J. 2 3 66.7
Towns, J. 6 13 46.2	Holloway, J. 0 2 0.0
Songer, J. 0 1 0.0	Asire, J. 2 3 66.7
Bennett, J. 0 1 0.0	Foster, J. 0 1 0.0
Jones, J. 0 1 0.0	
H. Hawthorne, J. 1 2 50.0	
Totals 34 17 51.5	Totals 19 24 37.5

SCORE BY QUARTERS

Cassopolis	17	21	24	— 85
Brandywine	12	13	9	— 47

Officials: Don White (Cassopolis) and Gene Robinson (St. Joseph)

B. Harbor (74)	G. Haven (63)
G F P	G F P
Wooden, J. 2 2 50.0	Albe, J. 9 13 69.2
D. Williams, J. 0 0 0.0	Spicer, J. 1 3 33.3
Jackson, C. 8 13 61.5	Belthke, C. 4 13 30.8
Hunt, J. 7 12 58.3	Schaffer, J. 5 13 38.5
Childs, J. 6 13 46.2	Gerrish, C. 4 11 36.4
Lacy, J. 5 11 45.5	Katzebeck, J. 1 1 50.0
Holliday, J. 0 1 0.0	
Nichols, J. 1 1 50.0	
Davis, J. 2 1 66.7	
Totals 32 10 31.3	Totals 28 7 25.0

SCORE BY QUARTERS

Benton Harbor	20	15	19	— 74
Grand Haven	20	12	14	— 63

Officials: Bud Brothwell and Charles Stewart (Both of Kalamazoo)

## Lancers All Alone In Bud Lead



**RAFTER REACHERS:** Coloma's Steve McAlpine (30) and Lakeshore's Jack Beck (43) reach for the rafters while going after a rebound Friday night in the Comet gym. The Lancers won 77-50 to take sole possession of first place in the Blossomland conference. Lakeshore, which is 3-0 in the conference and 5-1 overall, had now beaten Coloma eight straight times. (Walt Redman photo)

## Balanced Attack Clubs Coloma

COLOMA — Lakeshore's Lancers took over sole possession of first place in the Blossomland conference with a 77-50 romp over Coloma here Friday night.

Coach Lloyd MacTavish's Lancers, with complete control of the boards, raced off to a 22-14 first quarter lead and held advantages of 37-26 at halftime and 59-35 entering the fourth quarter.

Lakeshore is now the league's only unbeaten team in conference play with records of 3-0 in the Blossomland and 5-1 overall. Brandywine, previously undefeated in league action, was clobbered by Cassopolis 85-47 Friday night.

Rick Farrow tallied 17, Bruce Arter 13, Bud Shafer 11 and Charlie Shafer 10 to help the Lancers win their eighth straight game over Coloma.

Charlie Shafer also pulled down 24 rebounds as Lakeshore posted an overwhelming 69-37 edge on the boards. Joe Herman was tops for Coloma with nine.

Rebounding power enabled the Lancers to get off 26 more shots than Coloma attempted. Lakeshore hit on 29 of 76 attempts (38 per cent) while the Comets went 21 for 50 (42 per cent). Free throw shooting saw the Lancers mesh 19 of 38 (50 per cent) and the Comets 8 of 21 (38 per cent).

Coloma, which has now lost four straight for records of 0-3

in the Blossomland and 1-4 overall, also had trouble in the turnover department with 27. Lakeshore was charged with 19 miscues.

Lakeshore also won the junior varsity preliminary 94-64. Dan Stacey tallied 23 for the little Lancers and Corky Gillham had 16 for Coloma.

COLOMA (50)	Lakeshore (77)
G F P	G F P
Herman, J. 2 11 55.0	B. Shafer, J. 3 10 30.0
Kraiger, J. 1 5 20.0	H. Shafer, J. 4 10 40.0
Warman, C. 3 21 70.6	C. Shafer, J. 4 10 40.0
Schorer, J. 4 13 53.8	Farrow, R. 6 12 50.0
Korlow, J. 1 9 11.1	Robinson, J. 1 2 25.0
Clements, J. 2 4 50.0	Novotny, J. 0 2 0.0
McAlpine, J. 2 2 50.0	Kuhn, J. 1 0 0.0
Hill, J. 4 11 36.4	Adams, J. 3 3 50.0
Downey, J. 0 1 0.0	Beck, J. 0 1 0.0
Bryan, J. 3 5 60.0	Robbins, J. 1 2 25.0
Totals 21 8 26.7	Totals 29 19 37.0

SCORE BY QUARTERS

Lakeshore	22	15	22	18	77
Coloma	14	12	9	15	50

Officials: Ken Heidinger (Benton Harbor) and Andy Saeiro (Harford)

### High School SCHEDULE

**GAMES TONIGHT**  
Harford at Lake Michigan Catholic  
Cassopolis at Bridgman  
New Buffalo at Eau Claire  
Gallen at Waterford  
Townlac at Edwardsburg  
South Bend Clay at Hills  
Three Rivers at Paw Paw  
South Haven at Comstock  
Coveri at Centerville

### ND Icemen Lose

COLORADO SPRINGS, Colo. (AP) — Colorado College downed Notre Dame 6-3 in overtime in Western Collegiate Hockey Association action Friday night.



LEGAL NOTICE  
RESOLUTION

At a meeting of the Village Council of the Village of Shoreham held in the Village Hall on Brown School Road on Tuesday, January 4, 1972, attended by a duly constituted quorum of the Village Council, the following Resolution was moved and seconded:

WHEREAS, the Village Council of the Village of Shoreham, in order to secure the public peace, health, safety, and general welfare of the residents and property owners of the Village of Shoreham, has developed texts for Ordinances relating to the parking and occupancy of house trailers, the repair or demolition of unsafe structures, the littering of public or private property, the storage and accumulation of junk, the maintenance of blighted structures, the storage and burning of garbage, the construction and maintenance of swimming pools, the operation of snowmobiles, the use of firearms, the licensing of transitory shows and concerts, and the control of nuisances; and

WHEREAS, final printed forms of the proposed ordinances have been proofread and arrangements have been made by the Clerk of the Village of Shoreham for publication of the same as required by Section 5.1274 of Michigan Statutes Annotated. NOW, THEREFORE, BE IT RESOLVED, that the Village Council of the Village of Shoreham does hereby adopt as Ordinances of the Village of Shoreham, the following:

An Ordinance governing the parking and occupancy of house trailers and to provide penalties for the violation thereof.

An Ordinance to provide for the repair or demolition of unsafe structures and to provide penalties for the violation thereof.

An Ordinance to define, control and prohibit the littering of public and private property and waters, and to provide penalties for the violation thereof.

An Ordinance to provide for the regulation of the storage and accumulation of junk, trash, rubbish, junk automobiles, abandoned vehicles and building materials on private property; the maintenance of blighted structures and other blighting factors or causes of blight and deterioration within the Village of Shoreham, to provide for enforcement thereof, and to provide penalties for the violation thereof.

An Ordinance to define and control the storage and burning of garbage and to provide penalties for the violation thereof.

An Ordinance governing the construction, operation and maintenance of swimming pools, providing for the safety and providing penalties for the violation thereof.

An Ordinance to regulate the operation of snowmobiles on private and public property within the Village limits; to require certain equipment thereon; and to prescribe rules and regulations for the operation of same, and to provide penalties for the violation thereof.

An Ordinance to regulate the use of firearms, to prohibit the shooting of firearms, within specified areas, and to provide penalties for the violation thereof.

An Ordinance to license and regulate transitory shows and concerts.

An Ordinance to define nuisances, to provide for the abatement thereof, and to provide penalties for the violation thereof.

BE IT FURTHER RESOLVED, that the Clerk of the Village of Shoreham is hereby instructed to publish the same as required by law, and that all portions of said Ordinances which impose a penalty for violation of any provisions thereof shall not take effect until twenty (20) days have elapsed after the passage thereof; and that all other portions of the Ordinances shall take effect immediately.

BE IT FURTHER RESOLVED, that all Ordinances of the Village of Shoreham insofar as they conflict with the ordinances listed above, shall be and the same hereby are amended to conform with the Ordinances listed above.

BE IT FURTHER RESOLVED, that all Ordinances of the Village of Shoreham that do not conflict with the Ordinances listed above and herein adopted, shall remain in full force and effect.

Resolution declared adopted. Dated: January 4, 1972.

HUGO DAVID,  
PRESIDENT  
Janet Helsley,  
Clerk

AN ORDINANCE governing the parking and occupancy of house trailers and to provide penalties for the violation thereof.

## THE VILLAGE OF SHOREHAM ORDAINS:

## Section 1. Definitions.

For the purpose of this Ordinance, the term "house trailer" shall mean any vehicle used or intended for use as a dwelling, regardless of whether such vehicle is self-propelling or is moved by other agencies. Neither the removal of the wheels from any such vehicle nor the mounting of such vehicle upon temporary or permanent blocks, or any foundation, shall change its nature or character under the definition.

Section 2. Regulations. No person shall park overnight, or permit the parking overnight, of any house trailer upon any public highway, street, alley, park or other public place within the Village of Shoreham.

No person shall park or permit the parking of a house trailer for occupancy on any private property within the Village of Shoreham for a period in excess of three (3) weeks, nor often than once in six (6) months for the same lot or parcel of land.

## Section 3. Penalties for Violations.

Any violation of, or failure to comply with the provisions of this Ordinance shall be punished by a fine not exceeding Twenty-five Dollars (\$25.00), and costs of prosecution, or by imprisonment in the County Jail not exceeding ten (10) days or by both such fine and imprisonment in the discretion of the Court. Each day in which the violation shall continue shall be considered a separate violation punishable as above.

I, Janet Helsley, Clerk of the Village of Shoreham, a Municipal Corporation, of Berrien County, Michigan, do hereby certify that the above is a True Copy of the Ordinance passed by the Village Council of the Village of Shoreham at a meeting of the Village Council held in the Village Hall on January 4, 1972, and I further certify that the said Ordinance was published in the Herald Press on January 8, 1972.

JANET HELSLEY,  
CLERK

AN ORDINANCE to provide for the repair or demolition of unsafe structures and to provide penalties for the violation thereof.

## THE VILLAGE OF SHOREHAM ORDAINS:

## Section 1. Regulations.

A. No person shall maintain any structure or permit any structure to remain upon his property which is unsafe or which is a menace to the health, morals, or safety of the public.

B. All unsafe structures shall be taken down and removed or made safe and secure, as the Village Building Inspector may deem necessary. A vacant building, unguarded or open at door or window, shall be deemed a hazard and unsafe.

C. The Village Building Inspector shall examine every building or structure reported as dangerous, unsafe structurally or constituting a fire hazard. If an unsafe condition is found in a building or structure, the Village Building Inspector shall serve on the owner, agent or person in control of the building or structure, a written notice describing the building or structure deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure, or requiring the unsafe building or structure or portion thereof to be demolished within a specified time. Such notice shall require the person thus notified to immediately declare to the Village Building Inspector his acceptance or rejection of the terms of the order.

D. A building or structure condemned by the Village Building Inspector may be restored to safe condition provided no change of use or occupancy is contemplated or compelled by reason of such reconstruction or restoration; except that if the damage or cost of reconstruction or restoration is in excess of fifty percent of its replacement value, such building shall be made to comply in all respects with the requirements for materials and methods of construction of buildings as set forth in "The 1963 Building and Zoning Ordinance" of the Village of Shoreham.

E. If the person addressed with an unsafe notice cannot be found after a diligent search, then such notice shall be sent by registered mail to the last known address of such person; and a copy of the

unsafe notice shall be posted in a conspicuous place on the premises; and such procedure shall be deemed the equivalent of personal notice.

F. Upon refusal or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the proper legal officials of the Village of Shoreham shall be advised of all the facts and he shall institute the appropriate action to compel compliance.

G. When, in the opinion of the Village Building Inspector, there is actual and immediate danger of failure or collapse of a building or structure or any part thereof which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building, the Village Building Inspector is hereby authorized and empowered to order and require the inmates and occupants to vacate the same forthwith. He shall cause to be posted at each entrance to such building a notice reading as follows:

"This building is unsafe and its use or occupancy has been prohibited by the Village Building Inspector".

and it shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or of demolishing the same.

## Section 2. Penalties for Violations.

Any violation of, or failure to comply with the provisions of this Ordinance shall be punished by a fine not exceeding One Hundred Dollars (\$100.00), and costs of prosecution, or imprisonment in the County Jail not to exceed thirty (30) days, or by both such fine and imprisonment in the discretion of the Court. Each day that a violation of this Ordinance is continued or permitted to exist without compliance, shall constitute a separate offense punishable upon conviction in the manner prescribed in this section, providing that no person shall be imprisoned for a single but continuing violation of this Ordinance for a period longer than thirty (30) days.

This Ordinance, and the various parts, sections, and clauses thereof are hereby declared to be severable. If any part, section, paragraph, sentence, clause, phrase, or word is judged unconstitutional or invalid by any court of competent jurisdiction, it is hereby provided that such adjudication shall not affect, impair or invalidate the remainder of this Ordinance.

I, Janet Helsley, Clerk of the Village of Shoreham, a Municipal Corporation, of Berrien County, Michigan, do hereby certify that the above is a True Copy of the Ordinance passed by the Village Council of the Village of Shoreham at a meeting of the Village Council held in the Village Hall on January 4, 1972, and I further certify that the said Ordinance was published in the Herald Press on January 8, 1972.

JANET HELSLEY,  
CLERK

AN ORDINANCE to define, control and prohibit the littering of public and private property and waters, and to provide penalties for the violation thereof.

## THE VILLAGE OF SHOREHAM ORDAINS:

## Section 1. Definitions.

For the purpose of this Ordinance, the term "litter" shall mean all rubbish, refuse, waste material, garbage, of all paper, glass, cans, bottles, trash, cut tree limbs, brush, debris or other foreign substances of every kind and description.

The phrase "public or private property or waters" includes, but is not limited to, the right of way of any road or highway, any body of water or water course, or the shores or beaches thereof, and including the ice above such waters, any park, playground, building, refuge or conservation or recreation area; and any residential or farm properties or timberlands.

## Section 2. Regulations.

It is unlawful for any person knowingly, without the consent of the public authority having supervision of public property, or the owner of private property, to dump, deposit, place, throw or leave, or cause or permit the dumping, depositing, placing, throwing or leaving of, litter on any public or private property or waters other than property designated and set aside for such purposes by the zoning ordinances of the Village of Shoreham.

## Section 3. Penalties for Violations.

Any violation of, or failure to comply with the provisions

of this Ordinance shall be punished by a fine not exceeding One Hundred Dollars (\$100.00), and costs of prosecution, or by imprisonment in the County Jail not to exceed ten (10) days, or by both such fine and imprisonment. Each day in which a violation shall continue shall constitute a separate violation punishable as above.

I, Janet Helsley, Clerk of the Village of Shoreham, a Municipal Corporation, of Berrien County, Michigan, do hereby certify that the above is a True Copy of the Ordinance passed by the Village Council of the Village of Shoreham at a meeting of the Village Council held in the Village Hall on January 4, 1972, and I further certify that the said Ordinance was published in the Herald Press on January 8, 1972.

JANET HELSLEY,  
CLERK

AN ORDINANCE to provide for the regulation of the storage and accumulation of junk, trash, rubbish, junk automobiles, abandoned vehicles and building materials on private property; the maintenance of blighted structures or causes of blight and deterioration within the Village of Shoreham, to provide for enforcement thereof, and to provide penalties for the violation thereof.

## THE VILLAGE OF SHOREHAM ORDAINS:

## Section 1. Definitions.

For the purpose of this Ordinance, the term "junk" shall include, without limitation, parts of machinery or motor vehicles, unused furniture, stoves, refrigerators, or other appliances, remnants of wood, metal, or any other castoff material of any kind, whether or not the same could be put to any reasonable use.

For the purpose of this Ordinance, the term "junk automobiles" shall include, without limitation, any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of Sixty (60) days, and shall also include, whether licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of Sixty (60) days; provided, that there is excepted from this definition unlicensed, but operative, vehicles which are kept as the stock in trade of a regularly licensed and established new or used automobile dealer.

For the purpose of this Ordinance, the term "abandoned vehicle" shall include, without limitation, any vehicle which has remained on private property for a period of forty-eight (48) continuous hours, or more, without the consent of the owner or occupant of the property, or for a period of forty-eight (48) continuous hours, or more, after the consent of the owner or occupant has been revoked.

For the purpose of this Ordinance, the term "blighted structure" shall include, without limitation, any dwelling, garage, outbuilding, factory, shop, store, warehouse, monument, construction, or any other structure or part of a structure which, because of fire, wind, or other natural disaster, or physical deterioration, is no longer habitable as a dwelling, or is no longer useful for the purpose for which it may have been intended.

For the purpose of this Ordinance, the term "building materials" shall include, without limitation, lumber, bricks, concrete or cinder blocks, plumbing, materials, electrical, wiring or equipment, heating, ducts or equipment, shingles, mortar, concrete, or cement, nails, screws, or any other materials used in constructing any structure.

For the purpose of this Ordinance, the term "person" shall include all natural persons, firms, copartnerships, corporations, and all associations of natural persons, incorporated or unincorporated, whether acting by themselves, or by a servant, agent or employee. All persons who violate any of the provisions of this ordinance, whether as owner, occupant, lessee, agent, servant or employee shall, except as herein otherwise provided, be equally liable as principals.

For the purpose of this Ordinance, the terms "trash" and "rubbish" shall include any and all forms of debris not herein otherwise classified.

## Section 2. Regulations.

A. It is hereby determined that the storage or accumulation of trash, rubbish, junk, junk automobiles, abandoned vehicles, building materials, and the maintenance of blighted structures upon any private property within the Village of Shoreham tends to

result in blighted and deteriorated neighborhoods, the increase in criminal activity, the spread of vermin and disease, and is contrary to the public peace, health, safety and general welfare of the community.

B. It shall be unlawful for any person to store, or to permit the storage or accumulation of trash, rubbish, junk automobiles, or abandoned vehicles on any private property in the Village of Shoreham except within a completely enclosed building.

C. It shall be unlawful for any person to dismantle, cut up, remove parts from, or otherwise disassemble a junk automobile, whether or not the same be a junk automobile, abandoned vehicle, or otherwise, or any appliance or machinery, except in a completely enclosed building.

D. It shall be unlawful for any person to keep or maintain any blighted or vacant structure, dwelling, garage, outbuilding, factory, shop, store, or warehouse unless the same is kept securely locked, the windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized persons or unless such structure is in the course of construction in accordance with a valid building permit issued by the Village of Shoreham, and unless such construction is completed within a reasonable time.

E. It shall be unlawful for any person, firm or corporation to maintain any monument, construction, or structure or part of structure which, because of natural disaster or physical deterioration, is no longer habitable as a dwelling or is no longer useful for the purpose for which it had been constructed, or which constitutes a condition dangerous or unsafe to the community or the public.

F. It shall be unlawful to keep or maintain any partially completed structure unless such structure is in the course of construction in accordance with a valid and existing building permit issued by the Village of Shoreham and unless such construction is completed within a reasonable time.

G. It shall be unlawful for any person to store or permit the storage or accumulation of building materials on any private property, except in a completely enclosed building or except when such materials are being used in the construction of a structure on the property in accordance with a valid building permit issued by the Village of Shoreham, and unless such construction is completed within a reasonable time.

H. The Village of Shoreham may remove, or cause to be removed, any junk, trash, rubbish, junk automobile or abandoned vehicle, or parts of either, from any unenclosed private property after having served written notice of its intention to do so, on the owner or occupant of such property, at least five (5) days prior to such removal. Such notice shall be served personally, or by registered mail, or may be posted in a conspicuous place upon vacant or unoccupied property. Such removal by the Village of Shoreham shall not excuse or relieve any person of the obligation imposed by this ordinance to keep his property free from storage or accumulation of junk automobiles or abandoned vehicles, or parts of either, nor from the penalties for violation thereof.

I. When the Village of Shoreham has effected removal of any such matter or paid for its removal, it shall be the duty of the Village Clerk to forthwith demand payment thereof from the owner, possessor or occupier of such lands, either personally, or by mail. If the owner, possessor or occupier of such lands shall fail or neglect to pay the said charge within thirty (30) days after presentation of statement, either personally or by mail, the Clerk shall certify said account to the Village Assessor, who shall cause such expenditure to be levied upon the lands on behalf of which said expenditure was made, and the same shall thereupon become a lien upon said land, and shall be added to the next Village tax roll, and be collected in the same manner as other Village special assessments are collected.

## Section 3. Penalties for Violations.

Any violation of, or failure to comply with the provisions of this Ordinance shall be punished by a fine not to exceed One Hundred Dollars (\$100.00), and costs of prosecution, or imprisonment in the County Jail not exceeding thirty (30) days, or by both such

fine and imprisonment in the discretion of the Court, and when such fine and costs are imposed, the Court may provide that, in default of payment thereof, the offender shall be imprisoned for a period not to exceed thirty (30) days unless such fine and costs shall sooner be paid. Each day that a violation of this Ordinance is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this section, provided no person shall be imprisoned for a single but continuing violation of this Ordinance for a period longer than thirty (30) days.

## Section 4. Severability.

This Ordinance, and the various parts, sections, and clauses thereof, are hereby declared to be severable. If any part, section, paragraph, sentence, clause, phrase or word is judged unconstitutional, or invalid, by any Court of competent jurisdiction, it is hereby provided that such adjudication shall not affect, impair or invalidate the remainder of this Ordinance.

I, Janet Helsley, Clerk of the Village of Shoreham, a Municipal Corporation, of Berrien County, Michigan, do hereby certify that the above is a True Copy of the Ordinance passed by the Village Council of the Village of Shoreham at a meeting of the Village Council held in the Village Hall on January 4, 1972, and I further certify that the said Ordinance was published in the Herald Press on January 8, 1972.

JANET HELSLEY,  
CLERK

AN ORDINANCE to define and control the storage and burning of garbage and to provide penalties for the violation thereof.

## THE VILLAGE OF SHOREHAM ORDAINS:

## Section 1. Definitions.

For the purpose of this Ordinance, the term "garbage" is defined as waste material of decomposable nature, such as food remnants and trimmings, and any accumulation of animal, fruit, or vegetable matter used or intended for food or which attends the preparation, use, cooking, or storage of foods, and foodstuffs.

## Section 2. Regulations.

No person shall permit any accumulation of garbage or rubbish which will attract or furnish a haven for rats upon premises for which he is responsible as owner or occupant, and no such person shall permit rats to remain upon any such premises.

All garbage shall be tightly wrapped before placement in any container.

No person shall burn or cause to be burned, within the Village of Shoreham, any garbage, animal refuse, hides, feathers, or other organic or animal matter, except in enclosed incinerators constructed for such purpose.

## Section 3. Penalties for Violations.

Any violation of, or failure to comply with the provisions of this Ordinance shall be punished by a fine not exceeding Twenty-five Dollars (\$25.00), and costs of prosecution, or by imprisonment in the County Jail not exceeding ten (10) days, or by both such fine and imprisonment in the discretion of the Court. Each day in which the violation shall continue shall be considered a separate violation punishable as above.

I, Janet Helsley, Clerk of the Village of Shoreham, a Municipal Corporation, of Berrien County, Michigan, do hereby certify that the above is a True Copy of the Ordinance passed by the Village Council of the Village of Shoreham at a meeting of the Village Council held in the Village Hall on January 4, 1972, and I further certify that the said Ordinance was published in the Herald Press on January 8, 1972.

JANET M. HELSLEY,  
CLERK

AN ORDINANCE governing the construction, operation and maintenance of swimming pools, providing for the safety and providing penalties for the violation thereof.

## Section 1. Definitions.

For the purpose of this Ordinance, the term "swimming pool" shall mean a body of water in an artificial or semi-artificial receptacle or other container, used or intended to be used for private, public, or semi-public swimming by adults or children, or both adults and children, whether or not any charge or fee is imposed upon such adults or children, operated or maintained by any person, proprietor, possessor, lessor, tenant, licensee or renter, and

shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also all swimming pools operated and maintained in conjunction with or by motels, hotels, schools, clubs, fraternal organizations.

For the purpose of this Ordinance, the term "front yard" shall mean the space extending the full width of any lot, between the front lot line and the front building line.

## Section 2. Regulations.

A. It shall be unlawful for the owner, possessor or occupier of any lands in the Village of Shoreham to construct any swimming pool until he has first obtained a permit to do so from the Village Building Inspector.

B. It shall be unlawful for the owner, possessor or occupier of any lands in the Village of Shoreham to construct, possess, or maintain on his or its lands any swimming pool unless such swimming pool shall be completely surrounded by a fence or wall not less than four feet in height which shall be so constructed as not to have openings, holes, or gaps larger than four inches in any dimension except for doors and gates; and if a picket fence is erected or maintained, the horizontal dimension between pickets shall not exceed four inches. A dwelling house or accessory building may be used as part of such enclosure. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. This requirement shall be applicable to all new and existing swimming pools which have a depth of eighteen inches or more of water at any point. No person in possession of land within the Village of Shoreham, either as owner, proprietor, possessor, lessee, tenant, licensee or renter, upon which is situated a swimming pool having a depth of eighteen inches or more of water at any point shall fail to provide and maintain such fence or wall as herein provided.

C. No pool shall become a health nuisance or health hazard.

D. No pool shall be constructed, possessed or maintained in any front yard or in any area parallel to the front yards of the adjacent lots unless approval is first obtained from the Village Board of Appeals.

Section 3. Penalties for Violations.

Any violation of, or failure to comply with the provisions of this Ordinance shall be punished by a fine not exceeding Fifty Dollars (\$50.00), and costs of prosecution, or by imprisonment in the County Jail not exceeding ten (10) days, or by both such fine and imprisonment in the discretion of the Court. Each day in which the violation shall continue shall be considered a separate violation punishable as above.

## Section 4. Severability.

Should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared invalid.

I, Janet Helsley, Clerk of the Village of Shoreham, a Municipal Corporation, of Berrien County, Michigan, do hereby certify that the above is a True Copy of the Ordinance passed by the Village Council of the Village of Shoreham at a meeting of the Village Council held in the Village Hall on January 4, 1972, and I further certify that the said Ordinance was published in the Herald Press on January 8, 1972.

JANET M. HELSLEY,  
CLERK

AN ORDINANCE to regulate the operation of snowmobiles on private and public property within the Village of Shoreham limits; to require certain equipment thereon; and to prescribe rules and regulations for the operation of same, and to provide penalties for the violation thereof.

## THE VILLAGE OF SHOREHAM ORDAINS:

## Section 1. Definitions.

For the purpose of this Ordinance, the term "snowmobile" shall mean a self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners.

For the purpose of this Ordinance, the term "operator" shall mean to control the operation of a snowmobile.

## Section 2. Regulations.

A. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.
2. On public school grounds, park property, playgrounds, recreational areas and golf courses without express provision or permission to do so by the proper public authority.
3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
4. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.
5. Without having such snowmobile registered as provided for by Michigan Statute except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of his immediate family.
6. Within the right-of-way of any public street in the Village of Shoreham, except in emergency conditions when heavy snow makes the use of roadways by ordinary vehicular traffic impossible, and then, only when the operator shall have a valid driver's license or is accompanied by a licensed driver who is actually occupying a seat in the vehicle.

## B. All snowmobiles operated within the Village of Shoreham shall have the following equipment:

1. Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cut-out, by-pass or similar device on said vehicle. The sound level shall not exceed a reading of 80 decibels at the property line of the property on which the vehicle is being operated.

2. Adequate brakes in good working condition and at least one headlight and one taillight.

3. A safety or so-called "dead man" throttle in operating condition; a safety or "dead man" throttle is defined as a device which, when pressure is removed from the accelerator or throttle, causes the motor to be disengaged from driving track.

C. It shall be unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or with the keys for starting the vehicle left in the ignition.

D. Each person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer of the Village of Shoreham authorized to direct or regulate traffic.

Section 3. Penalties for Violations.

Any person, firm or corporation violating or failing to comply with any provision of this Ordinance shall be subject to a fine of not more than One Hundred Dollars (\$100.00), or by imprisonment in the County Jail not exceeding ten (10) days or by both such fine and imprisonment. Each day that a violation of this Ordinance is continued or permitted to exist without compliance, shall constitute a separate offense punishable upon conviction in the manner prescribed in this section.

Section 4. Severability.

This Ordinance, and the various parts, sections, and clauses thereof, are hereby declared to be severable. If any part, section, paragraph, sentence, clause, phrase or word is judged unconstitutional, or invalid by any Court of competent jurisdiction, it is hereby provided that such adjudication shall not affect, impair or invalidate the remainder of this Ordinance.

I, Janet Helsley, Clerk of the Village of Shoreham, a Municipal Corporation, of Berrien County, Michigan, do hereby certify that the above is a True Copy of the Ordinance passed by the Village Council of the Village of Shoreham at a meeting of the Village Council held in the Village Hall on January 4, 1972, and I further certify that the said Ordinance was published in the Herald Press on January 8, 1972.

JANET HELSLEY,  
CLERK

AN ORDINANCE to regulate the use of firearms, to

Ordinance, the term "operator" shall mean a person who operates or is in actual control of a snowmobile.

## Section 2. Regulations.

A. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.

2. On public school grounds, park property, playgrounds, recreational areas and golf courses without express provision or permission to do so by the proper public authority.

3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

4. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.

5. Without having such snowmobile registered as provided for by Michigan Statute except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of his immediate family.

6. Within the right-of-way of any public street in the Village of Shoreham, except in emergency conditions when heavy snow makes the use of roadways by ordinary vehicular traffic impossible, and then, only when the operator shall have a valid driver's license or is accompanied by a licensed driver who is actually occupying a seat in the vehicle.

B. All snowmobiles operated within the Village of Shoreham shall have the following equipment:

1. Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cut-out, by-pass or similar device on said vehicle. The sound level shall not exceed a reading of 80 decibels at the property line of the property on which the vehicle is being operated.

2. Adequate brakes in good working condition and at least one headlight and one taillight.

3. A safety or so-called "dead man" throttle in operating condition; a safety or "dead man" throttle is defined as a device which, when pressure is removed from the accelerator or throttle, causes the motor to be disengaged from driving track.



## LEGAL NOTICES

(Continued From Page 20)

prohibit the shooting of firearms within specified areas, and to provide penalties for the violation thereof.

## THE VILLAGE OF SHOREHAM ORDAINS:

## Section 1. Definitions.

For the purpose of this Ordinance, the term "firearms" shall mean any weapon or device from which is propelled any missile, projectile, bullet, shot, pellet or other mass by means of explosives, compressed air or gas or by means of springs, levers or other mechanical device.

For the purpose of this Ordinance, the term "approved range" shall mean a range for the shooting of firearms, constructed in such manner as to prevent the projectile from any weapon so fired on said range, and its attendant noise, from exceeding the physical limits of said range.

For the purpose of this Ordinance, the terms "building", "structure", or "edifice" shall mean a space within its walls and usually but not necessarily, covered with a roof.

Section 2. Regulations.

A. No person shall, from after the effective date of this Ordinance, discharge any pistol, revolver or rifle within the Village of Shoreham except:

1. Authorized officers of the law are permitted to discharge their weapons in the performance of their duties.

2. A person shall be permitted to discharge any weapon for the protection of his life and his property.

3. A person may discharge a weapon for target practice purposes, in a safe manner, upon a range which has been approved by the Council of the Village of Shoreham for the specified type of weapon so discharged.

B. It shall be unlawful, after the effective date of this Ordinance:

1. To discharge any firearm not prohibited elsewhere in this Ordinance, within an area of 100 yards of any building, structure or edifice, whether occupied or unoccupied.

2. To discharge any firearm permitted elsewhere, except on approved range, upon any platted land, or within 100 yards of any public or private school real property.

3. To discharge any firearms, upon or across any public road or highway, within the Village of Shoreham.

C. The Council of the Village of Shoreham may approve firearm practice ranges provided that said range shall be so constructed as to prevent the discharge from the specified type of firearms, and the attendant noise, from exceeding the limits of said approved range. Approval of any practice range shall specify in said approval the type of firearm that may be used on said practice range. Use of any firearms not approved for said practice range shall be grounds for withdrawal of approval of said range.

D. It shall be unlawful for any person under the age of seventeen (17) years to discharge a firearm unless under the direct supervision and control of and accompanied by a parent, legal guardian or adult person authorized by said parent or legal guardian, to have direct supervision of the person under the age of seventeen (17) years, and further, it shall be the responsibility of every parent, guardian or other person having the physical custody or charge of any minor under the age of seventeen (17) years, to control said minor and prevent him from violating or attempting to violate any provisions of this Ordinance.

Section 3. Penalties for Violations.

Any violation of, or failure to comply with the provisions of this Ordinance shall be punished by a fine of not more than One Hundred Dollars (\$100.00), and costs of prosecution, or by imprisonment in the County Jail not to exceed thirty (30) days, or by both such fine and imprisonment.

Section 4. Severability.

Should any section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared invalid.

I, Janet Helsley, Clerk of the Village of Shoreham, a Municipal Corporation, of Berrien County, Michigan, do hereby certify that the above is a True Copy of the Ordinance passed by the Village Council of the Village of Shoreham at a meeting of the Village Council held in the Village Hall on January 4, 1972, and I further certify that

the said Ordinance was published in the Herald Press on January 8, 1972.

JANET M. HELSLEY, Clerk

## AN ORDINANCE to license and regulate transitory shows and concerts.

## THE VILLAGE OF SHOREHAM ORDAINS:

## Section 1. Definitions.

For the purpose of this Ordinance, the term "transitory show or concert" shall mean any show or exhibition of any kind, any concert, lecture, amusement, operatic or theatrical performance arranged for or having one hundred (100) or more persons in attendance, or using or proposing to use any type of electrical sound amplification device, either as a part of the performance or for any other purpose whatsoever. The term shall exclude any show or concert held within any structure licensed as a theater or within a public assembly building so constructed and of such size as to be lawfully used for such purpose when the number of persons admitted or to be admitted is not in excess of the rated capacity of such public assembly building as determined by or in accordance with the regulations of the State Fire Marshal. It shall be a violation of this Ordinance for any person to admit as a customer, or as part of the audience of any such show or concert, any persons in excess of the lawful capacity of any public assembly building. Also excluded from the definition of the term "transitory show or concert" are shows and concerts where the following three conditions are fulfilled: That no electrical sound amplification device is used; that less than one hundred (100) persons are in attendance; and that the duration of the assembly is three (3) hours or less.

## Section 2. License or permit required.

No person shall maintain or operate any place, area or location for the holding of any transitory show or concert, whether or not any admission fee is charged, without first obtaining a license or permit therefor if admission is charged, or a permit, if no admission fee is charged. No such license or permit shall be issued until the application therefor has been investigated and reported upon by the Director of the Berrien County Health Department, or his representative, the Sheriff of Berrien County, or his representative, and the Fire Chief, and approval of such application has been obtained from the Village Council.

## Section 3. Application of License.

The applicant for a license or a permit hereunder shall make written application to the Village Clerk not less than four (4) weeks prior to the proposed opening of the transitory show or concert, setting forth the following information, and such other information as the Clerk shall reasonably require, in such detail as the Clerk shall require. Such information shall be supplied on the application to the Clerk, which application shall be signed by the individual seeking the license or permit and the owner of the premises where such show or concert is to be held, if the applicant is not the owner thereof. If the applicant is a corporation, the application shall be signed by an authorized officer, and if the applicant is a partnership, the application shall be signed by a partner. Such application shall set forth the following information, together with such other information as the Clerk shall require:

A. Location and size of site.

B. Maximum size of audience to be accommodated.

C. Duration of show or concert. (The license or permit shall be issued only for such period of time and the fee shall be computed in accordance therewith.)

D. Hours during which entertainment will be provided.

E. Type of entertainment and identity of performers.

F. Schedule of performance.

G. Arrangement made for toilet and other sanitary facilities.

H. Admission fees to be charged.

I. Arrangements made for restricting admission to number of customers for which arrangements have been made and preservation of law and order on the site.

J. Arrangements for food sales or food supplies, if any. (Application for any necessary food establishment licenses shall be made simultaneously.)

K. Arrangements made for providing lights on the premises and for shielding any adjacent premises from such

lights.

L. Arrangements made for sound amplification and for shielding adjacent premises from sound.

M. The name of some individual who will constantly be in charge and on the premises during the duration of the license, authorized to receive notice of a revocation of such license or permit.

## Section 4. Investigation and Reports.

The Clerk shall refer the application to the Director of the Berrien County Health Department, the Sheriff of Berrien County, and the Fire Chief, each of whom shall conduct an investigation and report to the Village Council within seventy-two (72) hours his determination as to whether or not the applicant has complied with this Ordinance and all other pertinent requirements of law, and to make such recommendations as he shall deem appropriate as to additional requirements that should be imposed prior to the granting of any license for the transitory show or concert.

## Section 5. Sheriff of Berrien County approval.

The approval of the Sheriff of Berrien County shall be based upon a determination that the applicant is a person of good moral character; that the arrangements for security against admission of an excessive number of persons are satisfactory, and that the arrangements for the maintenance of law and order on the premises are satisfactory. If more than one thousand (1,000) persons are to be admitted, the applicant shall provide not less than five (5) private policemen to be on duty at all times that the audience or any substantial part thereof is on the grounds, which private policemen shall be licensed in accordance with the state law. If the anticipated audience is substantially greater than one thousand (1,000) persons, the Sheriff of Berrien County shall require a proportionately larger number so that a sufficient number of private policemen shall be available at all times to achieve reasonable security in the opinion of the Sheriff of Berrien County.

## Section 6. Approval of the Director of the Berrien County Health Department.

The approval of the Director of the Berrien County Health Department shall be based upon an actual inspection of the premises and a finding that the person making application and the premises on which the show or concert is to be conducted and the arrangements made for toilet and sanitary facilities and food handling are safe, adequate, and conform with all sanitary requirements of the State of Michigan and of the Village of Shoreham.

## Section 7. Approval of the Fire Chief.

The approval of the Fire Chief shall be based upon an actual inspection of the premises and a finding that the person making application and the premises on which the show or concert is to be conducted and the arrangements made for toilet and sanitary facilities and food handling are safe, adequate, and conform with all sanitary requirements of the State of Michigan and of the Village of Shoreham.

Section 8. Fee, Liability Assurance and Deposit.

If the Village Council shall approve the issuance of the license, it may make such approval conditional upon a meeting any requirements recommended by the Director of the Berrien County Health Department, or his representative, the Sheriff of Berrien County, or the Fire Chief. It shall make such approval conditional upon paying the required license or permit fee; filing evidence of required liability insurance and posting of a damage deposit as herein required.

The fee for any license or permit issued hereunder shall be Two Hundred Dollars (\$200.00) for the first day, and One Hundred Dollars (\$100.00) for each additional day. The entire fee for the duration of the license shall be paid in advance at the time such license is issued. No license shall be issued until the applicant shall file with the Village Clerk, in duplicate, a policy of public liability insurance insuring the applicant and the owner of the premises against personal injury, including death, of any person and against liability for property damage in the following amounts: Such policy shall be in an amount of not less than Fifty Thousand Dollars (\$50,000.00) for death or injury to one person and One Hundred Thousand Dollars (\$100,000.00)

for death or injury arising out of any one occurrence, and for Ten Thousand Dollars (\$10,000.00) property damage arising out of any one occurrence. No such license shall be issued until the applicant shall deposit with the Village Clerk cash in the amount of One Thousand Dollars (\$1,000.00) which the Village may use to repair any damage done to any street, sewer, tree or Village property, which damage arises out of or occurs in connection with the licensed or permitted activities. The applicant shall also undertake to see that any dirt, paper, litter or other debris arising out of or in connection with such licensed or permitted show of concert shall be removed from the premises and the adjacent streets and private property within twelve (12) hours after the completion of the license and upon failure of the applicant to comply therewith within the time limited and to restore the premises into a presentable condition within such period of time, the Village of Shoreham may undertake the same and defray the expense from such cash deposit. One week after the expiration of the license or permit, any balance of such cash deposit unexpended shall be refunded. In any case where the deposit does not cover all costs of expenses of the Village of Shoreham, the deficit shall be paid by the applicant.

## Section 9. Revocation of License or Permit.

Any license or permit issued hereunder may be revoked by the Village President, or his representative, for cause. The term cause as used in this Ordinance shall include the making of any fraudulent or false statement in the application, failing to comply with any representation made in the application or requirement imposed as a condition to the granting of the license, and/or the doing or omitting of any act, or permitting any condition to exist in connection with the transitory show or concert, or upon any premises or facilities used in connection therewith, which act, omission or commission is:

A. Contrary to the health, morals, safety or welfare of the public;

B. Unlawful, irregular or fraudulent in nature;

C. Unauthorized or beyond the scope of the license or permit granted;

D. Forbidden by the provisions of this Ordinance, any State or Federal law, or any duly established rules or regulations of the Village of Shoreham applicable to the show or concert for which the license or premises has been granted.

Section 10. Severability.

This Ordinance and the various parts, sections and clauses thereof are hereby declared to be severable. If any part, section, paragraph, sentence, clause, phrase or word is judged unconstitutional or invalid by any Court of competent jurisdiction, it is hereby provided that such adjudication shall not affect, impair or invalidate the remainder of this Ordinance.

I, Janet Helsley, Clerk of the Village of Shoreham, a Municipal Corporation, of Berrien County, Michigan, do hereby certify that the above is a True Copy of the Ordinance passed by the Village Council of the Village of Shoreham at a meeting of the Village Council held in the Village Hall on January 4, 1972, and I further certify that

JANET HELSLEY, Clerk

## AN ORDINANCE to define nuisances, to provide for the abatement thereof, and to provide penalties for the violation thereof. THE VILLAGE OF SHOREHAM ORDAINS:

## Section 1. Regulations.

A. No person shall at any hour of the day make any unnecessary loud or unusual noise which annoys, injures or endangers the comfort, repose, health or safety of the public; nor shall any person play or operate any musical instrument, phonograph or radio in such a manner as to cause loud or unusual sound or noise between the hours of 11:00 p.m. and 7:00 a.m.

B. No person shall attach, post or paint any sign, advertisement or other written or printed matter or any picture, or device upon any lamp post, electric light or telephone pole, tree, hydrant, bridge, pavement, sidewalk, street, shop, building or on any other public property located within any public street, alley or other public place within the Village of Shoreham, except such notices as are required by law.

C. No person shall throw, scatter or deposit any posters, handbills, cards or other written or printed matter or any waste paper in any public street, alley or public place, nor shall any person leave or deposit the same on any private property in such a manner as to permit them to be blown onto any street, alley, or other public place.

D. No person shall keep any doves or pigeons which shall damage buildings or other property by depositing excreta thereon.

E. No person who owns, possesses, or has charge of any dog or other animal known to be of an ugly disposition or dangerous to persons or property shall permit or allow such dog, or other animal, whether licensed or unlicensed, to be at large at any time in the Village of Shoreham. No person shall permit or allow any dog, or other animal, whether licensed or unlicensed, to run at large, stray or roam beyond the premises of the owner at any time, unless under reasonable control. Every dog, or other animal, shall, at all times between sunset of each day and sunrise of the following day, be confined upon the premises of its owner or custodian, except when said dog, or other animal, is otherwise under reasonable control of its owner or some other person.

F. No person who is the owner of any female dog shall permit or allow such female dog to go beyond the premises of such owner when she is in heat.

G. No person shall own, harbor, or keep any dog, or other animal, which by loud or frequent or habitual barking, yelping, or howling, shall cause annoyance to the people in the neighborhood or to the people passing to and from the streets.

H. No person shall own, harbor, or keep a dog, or other animal, that has been bitten by an animal known to have been afflicted with rabies and, if any dog, or other animal, has been bitten by an animal, it shall be tested for rabies immediately.

I. No person shall own, harbor, or keep any dog, or other animal, either licensed or unlicensed, that, by the destruction of property or trespassing on the property of others, becomes a nuisance in the vicinity where kept.

J. Any person who shall permit any dog, or other animal, to remain about his premises for a period of five days shall be deemed the owner thereof for the purposes of this article.

K. No person shall cause or permit the emission of noxious or offensive odors from any property in such concentrations as to create a nuisance or hazard beyond the boundaries of said property, or to be detrimental to the public health, safety, comfort or welfare.

L. No person shall have in his possession either inside or outside of any building, structure or dwelling, in a place accessible to children, any abandoned, unattended ice box, refrigerator, or any other similar airtight container of any kind which has a snap latch or other locking device thereon, without first removing the snap latch or other locking device, or the doors, from such ice box, refrigerator or other similar container.

M. No person shall operate any unlicensed motorcycle, including so-called "mini-bikes", "go-karts", or similar vehicles, on the right-of-way of any public street within the Village of Shoreham.

N. Every act, thing, device or condition which is forbidden by this Ordinance shall be deemed to be a public nuisance. In addition, any act, thing, condition, land, building, or premises which annoys, injures or endangers the public health, safety, comfort, or in any way renders the public insecure in life or property is hereby declared to be a public nuisance.

O. The Village President and the Village Building Inspector are hereby authorized and empowered to abate or destroy any public nuisance in any manner allowed or permitted by law, and in addition, the continuance of any such nuisance may be enjoined at the suit of the Village of Shoreham by any court of competent jurisdiction.

Section 2. Penalties for Violations.

Any violation of, or failure to comply with the provisions of this Ordinance shall be punished by a fine not to exceed One Hundred Dollars (\$100.00), or by imprisonment in the County Jail for not to exceed thirty (30) days, or both such fine and imprisonment in the discretion of the

court. Each day that a violation of this Ordinance is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this section.

## Section 3. Severability.

This Ordinance, and the various parts, sections, and clauses thereof, are hereby declared to be severable. If any part, section, paragraph, sentence, clause, phrase or word is judged unconstitutional, or invalid by any Court of competent jurisdiction, it is hereby provided that such adjudication shall not affect, impair or invalidate the remainder of this Ordinance.

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Administrator, 4933 Woodland Drive, St. Joseph, Michigan, prior to said hearing. Publication and service shall be made as provided by Statute and Court rule.

## STATE OF MICHIGAN PROBATE COURT FOR THE COUNTY OF BERRIEN

IT IS ORDERED, that on February 22, 1972 at 9:30 A.M. in the Probate Courtroom, Courthouse, St. Joseph, Michigan, a hearing be held on the Petition of RUTH M. WEAVER for probate of a purported will heretofore admitted to probate by the State of Illinois, and appointment of fiduciary and for a determination of heirs.

Publication and service shall be made as provided by Statute and Court rule.

(Seal) RONALD H. LANGE, Judge of Probate

DATED: December 22, 1971

Attorney for Petitioner: RUTH M. WEAVER, 4933 Woodland Drive, St. Joseph, Michigan

Attorney for Estate: ALFRED R. ROTA, sometimes known as Alfred R. Rota, deceased, 22, 1972 at 9:30 A.M. in the Probate Courtroom, Courthouse, St. Joseph, Michigan, a hearing be held on the Petition of RUTH M. WEAVER for probate of a purported will heretofore admitted to probate by the State of Illinois, and appointment of fiduciary and for a determination of heirs.

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